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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/026,704

12/27/2001

Thomas E. Murphy

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38516 7590 03/30/2009

AT&T Legal Department - SZ

Attn: Patent Docketing

Room 2A-207

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

03/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/026,704 | Applicant(s) MURPHY ET AL. | |
| | Examiner MICHAEL VAN HANDEL | Art Unit 2424 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/13/2009 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 1/13/2009. Claims **30-32** are pending. Claim **30** is amended. Claims **1-29** are canceled. Claim **32** is new. The examiner hereby withdraws the rejection of claims **19-31** under 35 USC 112, first paragraph, in light of the amendment.

Response to Arguments

1. Applicant's arguments regarding claims **30** and **32**, filed 1/13/2009, have been fully considered, but they are not persuasive.

Regarding claims **30** and **32**, the applicant argues that DeWeese et al. does not teach retrieving a visual representation from the memory that corresponds to a sender of a communication, processing a callout bubble that places text of the communication within the callout bubble, and processing for display the visual representation of the sender and the callout

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bubble comprising the text of the sender's communication. The examiner respectfully disagrees. DeWeese et al. discloses a user profile where a user can create a nickname or icon that identifies the user in a chat room (p. 6, paragraph 76). The user profile may be stored at a remote server or jointly on the set-top boxes. A user may access profiles and form a "buddy list" or address book of other users who have the same interests. The buddy list can include the user's identity (p. 7, paragraph 85). The chat system is configured so that a user can append another user in a chat group to his buddy list or address book by selecting the user's nickname (or icon) in the chat group (p. 8, paragraph 95 & Fig. 9). Figure 9 is an example of how real-time communications are displayed by the set-top box application in the form of textual messages in a chat room. Television program 202 may be displayed in region 203 of display screen 200, while a chat room region 206 may be displayed simultaneously in the lower portion of display screen 200 (p. 8, paragraph 93). The examiner interprets the chatter's nickname (or icon) in the display of Figure 9 to be a "visual representation from memory that corresponds to a sender of the communication," as currently claimed. The examiner interprets the chat room region 206 to be a "callout bubble from the memory when the communication comprises text," as currently claimed. The examiner interprets the display of Figure 9 as "processing for display the visual representation of the sender and the callout bubble comprising the text of the sender's communication," as currently claimed. As such, the examiner maintains that DeWeese et al. meets the limitations of retrieving a visual representation from the memory that corresponds to a sender of a communication, processing a callout bubble that places text of the communication within the callout bubble, and processing for display the visual representation of the sender and the callout bubble comprising the text of the sender's communication, as currently claimed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim **32** is rejected under 35 U.S.C. 102(e) as being anticipated by DeWeese et al.

Referring to claim **32**, DeWeese et al. discloses a method, comprising:

- receiving broadcasted content from a service provider via a first input (p. 3, paragraph 56);
- processing the broadcasted content by a processor for display via a first output (p. 4, paragraph 65; p. 8, paragraph 93; & Figs. 1A, 9);
- receiving message information from a user via a second input (p. 5, paragraph 67; p. 9, paragraphs 101, 105; & Figs. 1B, 10);
- conducting two-way communications with other devices via a back channel communications path at an input-output port (p. 3, paragraph 57; p. 4, paragraph 59; & p. 5, paragraphs 71-73);
- receiving a communication at the input-output port (p. 8, paragraph 93 & Fig. 9);
- retrieving a visual representation from memory that corresponds to a sender of the communication (user nickname or icon)(p. 6, paragraph 76; p. 7, paragraph 85; & p. 8, paragraphs 93, 95);

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- retrieving a callout bubble from the memory when the communication comprises text;
- placing the text within the callout bubble (text within chat room region)(p. 8, paragraph 93 & Fig. 9); and
- processing for display the visual representation of the sender and the callout bubble comprising the text of the sender's communication (Fig. 9).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **30, 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWeese et al. in view of Mimura et al., and further in view of August et al.

Referring to claim **30**, DeWeese et al. discloses a set top box integrated with, or communicating with, a television, the set top box comprising memory storing instructions for:

- receiving broadcasted content from a service provider via a first input (p. 3, paragraph 56);
- sending the broadcasted content to the television via a first output (p. 4, paragraph 65; p. 8, paragraph 93; & Figs. 1A, 9);
- receiving message information from a user via a second input (p. 5, paragraph 67; p. 9, paragraphs 101, 105; & Figs. 1B, 10);

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- conducting two-way communications with other devices via a back channel communications path at a second output of the set top box (p. 3, paragraph 57; p. 4, paragraph 59; & p. 5, paragraphs 71-73);
- retrieving a visual representation from the memory that corresponds to a sender of a communication (user nickname or icon)(p. 6, paragraph 76; p. 7, paragraph 85; & p. 8, paragraphs 93, 95);
- processing a callout bubble that places text of the communication within the callout bubble (text within chat room region)(p. 8, paragraph 93 & Fig. 9); and
- processing for display the visual representation of the sender and the callout bubble comprising the text of the sender's communication (Fig. 9).

DeWeese et al. also discloses receiving television audio channels (p. 3, paragraph 56; p. 4, paragraph 64; & p. 9, paragraph 102). DeWeese et al. further discloses transmitting video chat images with audio as real-time communications by the chat system (p. 10, paragraphs 107, 111 & Fig. 11). DeWeese et al. still further discloses that the video chat images and audio can be shown at the same time as a television program (p. 11, paragraphs 119, 120 & Figs. 16, 17).

DeWeese et al. does not specifically disclose that when the communication has audible content, the communication is processed for another audio channel and a volume of the broadcasted content is reduced below a volume of the communication being played. Mimura et al. discloses a television audio/visual (A/V) conferencing system with a database 12. The AV database stores combinations of video signal characteristics and corresponding audio signal processing parameters, such as a volume of sound to be reproduced and a balance between sounds reproduced by loudspeakers (col. 9, l. 10-35). The processing parameters are read from the

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database and supplied to an audio signal processor to control the sound field to produce an acoustic space suitable for an image, by changing the sound volume and right and left balance to localize sounds based on the locality of displayed images (col. 6, l. 13-23; col. 20, l. 22-62; & Figs. 32A-33). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the video and audio chat system of DeWeese et al. to include changing the sound volume and right and left balance of the received audio messages to be output from different speakers, such as that taught by Mimura et al. in order to provide a real-time TV conferencing system with improved reality (Mimura et al. col. 3, l. 36-45). The combination of DeWeese et al. and Mimura et al. does not specifically teach reducing a volume of the audio signal below a volume of the communication being played. August et al. discloses a set-top box 30 for receiving A/V and telephone signals. When a television viewer receives a telephone call over the set-top box, the audio signal emanating from the video receiving device can be automatically muted or reduced to a selectable level (col. 2, l. 46-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of DeWeese et al. and Mimura et al. to include reducing the volume of a television audio signal upon receiving an audio message, such as that taught by August et al. in order to provide the automatic interaction of desirable activities (August et al. col. 2, l. 56-68).

Referring to claim **31**, the combination of DeWeese et al., Mimura et al., and August et al. teaches a set top box according to claim 30, wherein the memory stores instructions for receiving signals from a keyboard input (DeWeese et al. p. 5, paragraph 67 & Fig. 1B).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH